

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

Jeremy Allen Hewitt, #303829,	)	
	)	C/A No. 0:09-2607-MBS-PJG
Plaintiff,	)	
	)	
vs.	)	
	)	
S.C. Dept. of Corrections; Mr. Knowlin,	)	
Warden; Ms. Huggins, Head Nurse;	)	<b>ORDER</b>
Capt. Coleman, YOIP Nurse; John	)	
Ozmint, Director,	)	
	)	
Defendants.	)	
_____	)	

Plaintiff Jeremy Allen Hewitt is an inmate in custody of the South Carolina Department of Corrections (SCDC). Plaintiff filed the within complaint on October 6, 2009, alleging that Defendants have violated his constitutional rights in various respects. Plaintiff brings this action pursuant to 42 U.S.C. § 1983.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Paige J. Gossett for pretrial handling. On December 1, 2009, the Magistrate Judge issued a Report and Recommendation for Partial Summary Dismissal in which she noted that SCDC is entitled to immunity under the Eleventh Amendment. Accordingly, the Magistrate Judge recommended that SCDC be summarily dismissed as a Defendant. No party filed objections to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of any portions of the Report and Recommendation to which a specific objection is

made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of objections to the Report, this court is not required to give any explanation for adopting the recommendation. Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The court has carefully reviewed the record. The court adopts the Report and Recommendation for Partial Summary Dismissal and incorporates it herein by reference. SCDC is summarily dismissed without prejudice and without issuance and service of process. The case is recommitted to the Magistrate Judge for further pretrial handling.

**IT IS SO ORDERED.**

/s/ Margaret B. Seymour  
United States District Judge

Columbia, South Carolina

February 2, 2010.